

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 FEB 19 AM 10:46  
CLERK, U.S. DISTRICT COURT  
OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
**Jose MARTINEZ-Jimenez** )  
Defendant. )  
\_\_\_\_\_  
)

Magistrate Case No. \_\_\_\_\_

'08 MJ 0459

BY: (P)

COMPLAINT FOR VIOLATION OF

DEPUTY

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 17, 2008**, within the Southern District of California, defendant **Jose MARTINEZ-Jimenez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien namely, **Bernabe REAL-Salgado**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


---

SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19TH** DAY OF **FEBRUARY**, 2008.


---

Wm. McClurkin  
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer J. Poplawski, declare under penalty of perjury the following to be true and correct:

The complainant states that Bernabe REAL-Salgado is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 17, 2008 at approximately 1:12 AM Martinez-Jimenez, Jose (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of 1989 GMC Jimmy. A Customs and Border Protection Officer (CBP) received a negative declaration from the defendant. Defendant presented his California driver license and a United States Passport for entry documents. Defendant stated he was visiting family in Tijuana, Mexico and was not bringing back anything. The Defendant claimed ownership of the vehicle. The Officer performed an inspection of the vehicle and noticed the back seat was unusually thick and bulky. The officer also pushed down on the back seat and it felt very hard and lumpy. The defendant and the vehicle were both escorted into the secondary lot for a more thorough inspection.

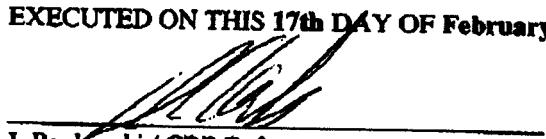
In secondary, CBP Officers located the compartment under the rear seat. Another Officer lifted a wooden non-factory compartment that appeared to be the rear bench seat of the vehicle. The officer lifted a piece of plywood that appeared to be the rear seat of the vehicle and noticed a Hispanic male concealed inside the non-factory compartment. CBP Officers gained access to the compartment and discovered one adult male.

Further investigation revealed the one adult male to be citizen and native of Mexico with no entitlements to enter the United States. The one male is now identified as material witness Bernabe REAL-Salgado (MW).

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge to smuggling an alien concealed in the vehicle. Defendant admitted he ordered the compartment built specifically for alien smuggling. Defendant admitted he assisted in the concealment of alien. Defendant admitted he picked up alien at hotel. Defendant admitted he was going to receive \$700.00 USD for smuggling the one alien into the United States. Defendant admits his final destination was Los Angeles, CA.

On separate videotaped interview, Material Witness declared he is a citizen of Mexico who has no legal rights to enter the United States. Material Witness stated he was en route to Santa Ana, California. Material Witness stated a friend was going to charge him \$4,100.00 (USD) to be smuggled into the United States.

EXECUTED ON THIS 17th DAY OF February 2008 AT 1600

  
J. Poplawski / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on February 17, 2008 in violation of Title 8, United States Code, Section 1324.

  
MAGISTRATE JUDGE

2/17/08 10:05 AM  
DATE / TIME